

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA

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v.

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NO. 3:19-CR-15-1

DERRICK REDWINE

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ORDER

Magistrate Judge C. Clifford Shirley, Jr. filed a report and recommendation, recommending that the Court: (1) find that the plea hearing in this case could not be further delayed without serious harm to the interests of justice; (2) grant Defendant's motion to withdraw his not guilty plea to Count One of the Indictment; (3) accept Defendant's plea of guilty of the lesser included offense in Count One of the Indictment, that is, conspiracy to distribute and possession with intent to distribute 40 grams or more of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C); (4) adjudicate Defendant guilty of the charge in the lesser including offense set forth in Count One of the Indictment; and (5) find that Defendant shall remain in custody until sentencing in this matter (Doc. 139.) Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 139) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) As set forth on the record, Defendant's plea hearing could not be further delayed without serious harm to the interests of justice;

(2) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;

(3) Defendant's plea of guilty to the lesser included offense in Count One of the Indictment, that is, conspiracy to distribute and possession with intent to distribute 40 grams or more of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C), is **ACCEPTED**;

(4) Defendant is hereby **ADJUDGED** guilty of the charge of the lesser included offense set forth in Count One of the Indictment, that is, conspiracy to distribute and possession with intent to distribute 40 grams or more of a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and a quantity of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C);

(5) Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **December 9, 2020 at 2:30 p.m. in Knoxville** before the Honorable Harry S. Mattice, Senior United States District Judge.

SO ORDERED.

/s/ *Harry S. Mattice Jr.*
HARRY S. MATTICE, JR
SENIOR UNITED STATES DISTRICT JUDGE
November 4, 2020